

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

Honorable Sean F. Cox

v.

Case No. 77-71100

City of Detroit, *et al.*,

Defendants.

**SUPPLEMENTAL BRIEF IN SUPPORT OF THE CITY OF DETROIT’S
AND THE DETROIT WATER AND SEWERAGE DEPARTMENT’S
RULE 60(b)(6) MOTION FOR RELIEF**

In support of its Rule 60(b)(6) motion, the City and its Water and Sewerage Department advise this Court that a motion for preliminary injunctive relief has been filed in *Binns et al. v. City of Detroit et al.*, Michigan Court of Appeals Case No. 337609 asking that the appellate court “enjoin Defendants from charging the subject rain tax ‘Drainage Charge’ and from taking any adverse action against implicated property owners for their refusal or inability to pay the same pending outcome of this litigation.” Ex. A (Plaintiffs’ Motion for Preliminary Injunction Pursuant to MCR 3.310). The City requested a stay of hearing on the motion for preliminary injunction until the appellate court decides whether it may exercise subject matter jurisdiction over the state law claims that are arguably preempted by federal law. The appellate court denied that request on May 15, 2017. *See* Ex. B

(Order). The City's response to the motion for preliminary injunctive relief is due June 1, 2017 and it is unclear when argument will be scheduled regarding the motion. Regardless, the risks of non-compliance described by the City in its original brief to this Court are neither speculative nor remote, and the Plaintiffs' requested relief in *Binns* further underscores the need for the relief requested in the City's Rule 60(b)(6) motion.

Respectfully submitted,

**MILLER CANFIELD PADDOCK AND STONE,
P.L.C.**

By: /s/ Sonal Hope Mithani

Sonal Hope Mithani (P51984)

Attorneys for the City of Detroit

101 N. Main Street, 7th Floor

Ann Arbor, MI 48104

734.668.7786

mithani@millercanfield.com

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